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Edward R. Chinuhuk,)	
)	Supreme Court Nos. S-16993
Petitioner,)	S-17003/S-17004
v.)	
)	
State of Alaska,)	Order
)	Supplemental Briefing
)	
Respondent.)	Date of Order: 5/29/19
)	
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Court of Appeals Nos. A-11574/11600/11716		
Trial Court Case Nos. 3AN-09-09305CR;		
3AN-09-09927CR; 4BE-06-00846CR		

In our 6/7/18 order, we asked the parties to “address the effect, if any, of SB 91 sections 78 and 185(k) . . . on probation imposed under the former AS 12.55.125(o).” The parties mentioned these provisions in their briefing but did not discuss them in detail. The court now orders the parties to file supplemental briefs answering the following questions:

- (1) Did sections 78 (concerning modifications to probation) and 185(k) (making AS 12.55.090(b) retroactive as to probation) of SB 91 (ch. 36, SLA 2016) authorize the superior court to modify or terminate probation imposed under former AS 12.55.125(o)?
- (2) If yes, then does AS 12.55.090(f) (limiting a court's power to modify probation under AS 12.55.090(b) if that probation was "imposed in accordance with" a plea agreement under Criminal Rule 11) prevent the superior court from modifying or terminating probation in some or all of the petitioners' cases?

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The parties shall file simultaneous supplemental briefs in memorandum form not to exceed 20 pages. The supplemental briefs are due by **6/28/19**. The parties shall file simultaneous supplemental response briefs not to exceed 15 pages by **6/28/19**. The parties shall file the original (and nine copies), and email a .pdf verison of the memorandums to pleadings@akcourts.us.

Entered at the direction of an individual justice.

Clerk of the Appellate Courts



Beth A. Pechota, Deputy Clerk

cc: Supreme Court Justices
Calendaring Clerk

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